



## CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING

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### BZA Staff Report

**To:** Board of Zoning Appeals Members  
**From:** Alex Getchell, Senior Planner I  
**Date:** November 2, 2016  
**Re:** Case ZB 2016-17 (V) | CKW Land Surveying

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#### REQUESTS:

##### **Case ZB 2016-17 (V)...Brown Farm | 2510 E. 200 S.**

A request for consideration of developmental standards variances from Article 3, Chapter 4, to allow a primary structure (existing residence) and an accessory structure (existing barn) to be located within the required front yard setback, as required by the subdivision of the property, and as a result of the subsequent dedication of a 25 foot right-of-way in the A: Agricultural zoning district. The subject property is located within the City of Franklin extraterritorial "Buffer Zone" area, and altogether is approximately 38 acres in size.

#### **PURPOSE OF STANDARD:**

The A", Agricultural zoning district is intended to provide locations for agricultural operations and related land uses. This district is further intended to reduce conflicts between residential and agricultural areas with the viability of agricultural operations, and limit development in areas with minimal infrastructure. This district should be used to protect agricultural operations from land uses that are incompatible with the available infrastructure.

#### **CONSIDERATIONS:**

##### **Project Overview**

1. CKW Land Surveying (Petitioner), on behalf of the R Gordon Brown & Betsy (Brown) Wanko, is proposing to subdivide an existing home site (2 acres) off of the overall 37.9 acre property, which is entirely farm ground, except for the home site. (See Exhibits A & B)
2. The overall 37.9 acre property is located on the north side of CR 200 S, halfway between Nineveh Rd (west) and Mauxferry Rd (east). The subject property is located within the City of Franklin extraterritorial "Buffer Zone" area.
3. Petitioners are proposing to subdivide the home site at 2510 E. 200 S. off as Tract 2 (2 acres), which will include a 25' right-of-way dedication along the length of 200 S.
4. With the subdivision of this property, the petitioner is required to dedicate right-of-way to Johnson County, based on the functional classification of the road(s).
5. CR 200 S is classified as a local road and therefore the petitioner is required to dedicate 25 feet of right-of-way, measured from the centerline of 200 S.
6. According to Article 3, Chapter 4, of the City of Franklin Zoning Ordinance, properties in the Agriculture zoning district have a minimum Front Setback requirement of 50 feet, along all classifications of roads, measured from the right-of-way/front lot line.

### **Variance Requests**

7. *Petitioner is requesting relief from the minimum front setback requirement, to allow the **existing home** to be located 42 feet from the right-of-way line, instead of 50 feet, and 67.5 feet from the centerline of 200 S.*
8. *Petitioner is requesting relief from the minimum front setback requirement, to allow the **existing barn** to be located 22 feet from the right-of-way line, instead of 50 feet, and 46.8 feet from the centerline of 200 S.*
9. Subdivision of the property, including the dedication of 25 feet of right-of-way, plus the required 50 feet front setback, results in 1.) the existing home being 7.5 feet closer to the road (67.5') than permitted (75'), and 2.) the existing barn being 28.2 feet closer to the road (46.8') than permitted (75'). Therefore, the property cannot be subdivided as is, nor without a variance, due to the resulting substandard lot that would be created.

### **Comprehensive Plan & Zoning Ordinance**

10. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Agricultural. "Agriculture areas are generally located outside the current city limits in Franklin's extended zoning jurisdiction. Existing agriculture areas within the city limits are prime locations for new development, consistent with the future land use plan map. Agricultural areas are intended to include traditional farming uses, in addition to agricultural products storage and distribution facilities (such as commercial grain elevators), stables, natural preserves, agricultural research facilities, and other animal husbandry and food production related activities."
11. The definition of a practical difficulty, according to the 2004 City of Franklin Zoning Ordinance is: A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within the Zoning Ordinance, but would like a variance from the Developmental Standards to improve his/her site in practical manner. For instance, a person may request a variance from a side yard setback due to a large tree that is blocking the only location that would meet the Development Standards for a new garage location.
12. According to Article 2.5: A special exception or variance ceases to be authorized and is expired if the obtaining of an Improvement Location Permit, or the execution of the approval has not been completed within 1 year of the date the variance or special exception is granted. The variance or special exception shall also expire if the approved construction has not been completed and approved by the Planning Director as being consistent with all written commitments or conditions, the requirements of this Ordinance, and all applicable permits within 2 years of the date the approval is granted.
13. The surrounding zoning and land uses are as follows:

#### **Surrounding Zoning:**

North: A: Agriculture  
South: A: Agriculture  
East: A: Agriculture  
West: A: Agriculture

#### **Surrounding Land Use:**

North: Agriculture Crop Field  
South: Single-family Residential  
East: Single-family/Agriculture Field  
West: Agriculture Crop Field

### **CRITERIA FOR DECISIONS – DEVELOPMENT STANDARDS VARIANCE:**

#### **(\*\*The petitioner will need to address the Criteria for Decisions in their presentation\*\*)**

In taking action on all special exception and variance requests, the Board of Zoning Appeals shall use the following decision criteria, consistent with the requirements of the Indiana Code. The Board may grant a special exception and a variance from development standards and limitations of this Ordinance if, after a public hearing, it makes findings of facts in writing (consistent with IC 36-7-4-918.5) that:

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## **DECISION CRITERIA – DEVELOPMENT STANDARDS VARIANCES**

- 1. General Welfare: The approval (will or will not) be injurious to the public health, safety, morals, and general welfare of the community.***

### **Staff Finding:**

Staff finds no evidence that the approval of the proposed variances will be injurious to the public health, safety or general welfare of the community, in any way. The front setback variances are for existing structures and are only required because the subdivision of the property requires right-of-way dedication, which moves the front setback farther onto the petitioner's property. Approval of this request will not result in any property or structure being crowded or affected in any way.

- 2. Adjacent Property: The use and value of the area adjacent to the property included in the variance (will or will not) be affected in a substantially adverse manner.***

### **Staff Finding:**

Staff finds that the use and value of adjacent properties will not be affected in a substantially adverse manner. The existing residence and barn have been located on the property since 1920 & 1930, respectively, and no physical changes are being made as part of this request; therefore, approval will not affect the use and value of any adjacent properties.

- 3. Practical Difficulty: The strict application of the terms of the ordinance (will or will not) result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.***

### **Staff Finding:**

Staff finds the strict application of the ordinance will result in practical difficulties for the petitioner, as the front lot line cannot be adjusted in any way to meet the standard, and it is not practical to require the existing house and barn to be relocated simply to meet the front setback, when both structures have existed in their current locations since 1920 and 1930, with no known detriment to the general welfare or adjacent properties.

## **STAFF RECOMMENDATION – DEVELOPMENT STANDARDS VARIANCES**

Based on the written findings above, staff recommends **APPROVAL** with the following conditions:

- a. A front setback line of 50 feet shall be included on the plat, and all new structures in the future shall meet the required front setback of 50 feet.
- b. Additions to- or reconstructions of existing structures, within the required 50 foot front setback, shall be permitted; however, those improvements shall be no closer to the front lot line than the structures as they currently exist.